

# Sentencing Council

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## MEETING OF THE SENTENCING COUNCIL

23 OCTOBER 2015

### MINUTES

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<u>Members present:</u>	Colman Treacy (Chairman) Michael Caplan Mark Castle Julian Goose Martin Graham Jill Gramann Tim Holroyde Sarah Munro Lynne Owens Alison Saunders John Saunders Richard Williams
<u>Apologies:</u>	Heather Hallett Julian Roberts
<u>Advisers present:</u>	Paul Wiles
<u>Representatives:</u>	Stephen Muers for the Ministry of Justice (Director, Criminal Justice Policy) Ceri Hopewell for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team)
<u>Members of Office in Attendance</u>	Claire Fielder (Head of Office) Mandy Banks Lisa Frost Vicky Hunt Ruth Pope Claire-Louise Manning

## **1. WELCOME AND APOLOGIES FOR ABSENCE**

1.1 Apologies were received as set out above.

## **2. MINUTES OF LAST MEETING**

2.1. The minutes from the meeting of 25 September 2015 were agreed.

## **3. MATTERS ARISING**

3.1 The Chairman welcomed Colin Allars, Director of Probation who spoke to the Council at 10:00 and stayed for the discussion on imposition of community and custodial sentences.

3.2 The Chairman also welcomed Paul Candler, Deputy Director Sentencing Policy at the Ministry of Justice who was observing the meeting.

3.3 The Council noted that today's meeting would be Victoria Obudulu's last as Office of the Sentencing Council statistician after two years in the post. The Chairman thanked her for her excellent work as a member of the analysis and research team and for her contribution to the work of the Council.

## **4. PRESENTATION ON PROBATION - COLIN ALLARS, DIRECTOR OF PROBATION, NATIONAL OFFENDER MANAGEMENT SERVICE**

4.1 The Council heard a presentation from Colin Allars who talked about the reforms to probation services over the past year, including implementation of the Offender Rehabilitation Act 2014 and the transition to the National Probation Service and Community Rehabilitation Companies, and how the reforms were working in practice.

## **5. DISCUSSION ON IMPOSITION OF COMMUNITY AND CUSTODIAL SENTENCES – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL**

5.1 The Council considered proposed draft guidance for the imposition of community and custodial sentences, to replace the guidance in the outdated SGC guideline 'New Sentences Criminal Justice Act 2003'. The Council agreed that it would be useful for this guidance to be updated and made available to sentencers prior to issuing a definitive guideline on breach of orders.

5.2 The Council discussed the appropriate matters to be considered when imposing these sentences. A number of additional factors were identified to ensure that the guidance would be of optimum use for

sentencers. It was agreed that revised guidance would be considered by the Council at its next meeting.

**6. DISCUSSION ON GUILTY PLEA – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

6.1 The Council considered suggested amendments to the draft guilty plea guideline. Amendments to improve clarity were agreed. The Council considered whether there should be an exception to the normal application of the guideline in cases where pre-recorded cross-examination had taken place. It was decided to consult on the basis that the trial would be deemed to have started when pre-recorded cross-examination took place.

6.2 The Council agreed that there would be a further consideration of the draft guideline and consultation document at its next meeting.

**7. DISCUSSION ON ROBBERY – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL**

7.1 This was the Council's final consideration of the robbery guidelines. The Council agreed to a number of minor changes and reviewed and agreed the summary of all amendments that have been made to the guidelines following the consultation. The guidelines were then signed off ready for publication in January 2016.

**8. DISCUSSION ON DANGEROUS DOGS – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL**

8.1 This was the second meeting to discuss the responses to the consultation on the draft guideline. The Council discussed issues regarding the approach to sentence levels and aggravating and mitigating factors throughout the guidelines.

8.2 The Council agreed to include additional wording at step six of the possession of a prohibited dog guideline, on the test to be applied to determine whether a person is a 'fit and proper person'.

**9. DISCUSSION ON ALLOCATION – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

9.1 The Council considered the remaining issues arising from the consultation on the allocation guideline and agreed the definitive version of the guideline, subject to clarification of the section on youths jointly charged with adults. An amended version of the guideline would be circulated to members for final approval.

9.2 The Council agreed that, to allow time for training, the definitive guideline would be published towards the end of the year and come into effect on 1 March 2015.

**10. UPDATE ON MCSG – PRESENTED BY CLAIRE-LOUISE MANNING, OFFICE OF THE SENTENCING COUNCIL**

- 10.1 The Council considered the proposed timetable for converting the remaining Sentencing Guidelines Council guidelines within the Magistrates' Court Sentencing Guidelines (MCSG) to the Sentencing Council format. It was agreed that the MCSG working group would assist with the drafting and that the Council would consider the results at its meeting in March 2016. There would then be a targeted consultation with users of the MCSG.

**11. DISCUSSION ON WORK PLAN – PRESENTED BY CLAIRE FIELDER, OFFICE OF THE SENTENCING COUNCIL**

- 11.1 The Council considered progress against the Business Plan for the financial year 2015/16 and reviewed its priorities. It agreed to publish an update on its website, which would include changes to the work plan published in April 2015.